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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,897	02/09/2004	Terry Richard Elich	81502/LPK	8767

7590 12/07/2005

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EXAMINER
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DANIEL, LAUREN J

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,897	<b>Applicant(s)</b> ELICH ET AL.	
	<b>Examiner</b> Lauren J. Daniel	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/09/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The thickness range, 0.1-0.2 inches, and the density range, 240-480 kilograms per cubic centimeter, of the cellular urethane foam gasket that is claimed in claims 6, 12, and 18 should also be cited in the specification.

The thickness range of the laminated polyester film, 0.001-0.002 inches, that is claimed in claims 7, 13, and 19 should also be cited in the disclosure.

The disclosure is objected to because of the following informalities: The word, "Developments" on page 1, line 11 should be "Development". The word "in" on page 2, line 30 should be "is". The word "an" on page 3, line 15 should be "and". The reference to Fig. 7a on page 4, line 5 should be Fig. 9a.

Appropriate correction is required.

### ***Claim Objections***

Claims 6, 12, 18 are objected to because of the following informalities:

The density of the cellular urethane foam gasket is cited as 240-480 kilograms per cubic centimeter. This is considered to be an error because the density range listed is an unrealistic one. The intended density is interpreted to be 240-480 kilograms per cubic meter. The disclosure specifies an exemplary material with the required properties of the cellular urethane foam is PORON 4701-50 produced by Rogers Corporation of

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Woodstock, Connecticut. PORON 4701-50 has a density range of 240-480 kilograms per cubic meter.

Claims 7, 13, 19 are objected to because of the following informalities:

The use of the words "cellular foam gasket" should be "cellular urethane foam gasket".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-11, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ban et al. (US 6,014,536).

With respect to Claim 1, Ban et al. discloses a receptacle for containing particulate material (Fig. 16), and for facilitating replenishing the particulate material from said replenishment receptacle into a reservoir of an electrostatographic reproduction apparatus, said replenishment receptacle comprising:

a container (Fig. 16, element 12), including a chamber defining orifice (column 17, lines 31-34), said chamber capable of being filled with the particulate material through said orifice;

a closure (Fig. 16, element 13) connected to said container, said closure having inner surfaces adjacent to said orifice and outer surfaces opposite said inner surfaces

(Fig. 16), said outer surfaces having at least two tab-like features (Fig. 16, element 13 a) for locating said closure, with said container attached thereto, relative to the reservoir (column 17, lines 11-24), said tab-like features positioned and shaped so that said closure may be produced by an injection molding process (column 4, lines 59-65), including a mold having only two separable parts for ready removal of said closure, with said at least two tab-like features (the specific mold does not define structure not found in Ban et al.), from said mold; and

a cover (Fig. 16, element 14), operatively connectable to said closure, for selectively closing said orifice after said container is filled with particulate material, and opening said orifice after said closure, with said container attached thereto, is located, by said at least two tab-like features, relative to the reservoir (column 17, lines 11-42).

With respect to claim 2, Ban et al. discloses the replenishment receptacle of Claim 1, wherein said container has at least one protrusion, said closure defines at least one notch (column 17, lines 8-10), wherein, when said closure is connected to said container, said at least one protrusion engages said at least one notch, thereby locking said closure to said container to prevent accidental separation of said closure from said container during shipping and handling (when the cap is attached it prevents accidental separation).

With respect to claim 3, Ban et al. discloses the replenishment receptacle of Claim 1, wherein said closure defines a groove and said cover slides into said groove (Fig. 2, element 1e).

With respect to claim 4, Ban et al. discloses the replenishment receptacle of Claim 3, wherein said cover has an inner side, facing said orifice, and a outer side, opposite said inner side, said inner side having a cellular urethane foam gasket connected thereto (column 17, lines 4-7), for sealing against flow of the particulate material past said cover, thereby preventing leakage of the particulate material from said container.

With respect to claim 5, Ban et al. discloses the replenishment receptacle of claim 4, wherein said outer side of said cover has at least one ramp-shaped protruding feature (Fig. 11, element 3c) (column 11, lines 60-62), which permits said cover to be inserted into said groove, but prevents said cover from being fully withdrawn from said groove after being inserted into said groove.

With respect to Claim 8, Ban et al. discloses a receptacle for containing particulate material (Fig. 16), and for facilitating replenishing the particulate material from said replenishment receptacle into a reservoir of an electrostatographic reproduction apparatus, said replenishment receptacle comprising:

A container (Fig. 16, element 12), having a contiguous flange (Fig. 1, element 1b) (column 1, lines 22-25) which defines a orifice (column 17, lines 31-34) in said container for filling said container with particulate material, said flange having an inner surface facing said orifice and an outer surface having at least one protrusion (column 17, lines 8-10).

A closure (Fig. 16, element 13) having an inner wall for mating with said flange (column 17, lines 8-10), said inner wall defining at least one notch which engages with

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said at least one protrusion, thereby locking said closure to said container, said closure additionally having inner surfaces adjacent to said orifice and outer surfaces opposite said inner surfaces (Fig. 16), said outer surfaces having at least two tab-like features (Fig. 16, element 13 a) for locating said closure, with said container attached thereto, relative to the reservoir (column 17, lines 11-24), said tab-like features positioned and shaped so that said closure may be produced by an injection molding process (column 4, lines 59-65), including a mold having only two separable parts for ready removal of said closure, with said at least two tab-like features, from said mold; and

A cover (Fig. 16, element 14), operatively connectable to said closure, for selectively closing said orifice after said container is filled with particulate material, and opening said orifice after said closure, with said container attached thereto, is located, by said at least two tab-like features, relative to the reservoir (column 17, lines 11-42).

With respect to claim 9, Ban et al. discloses the replenishment receptacle of Claim 8, wherein said closure defines a groove and said cover slides into said groove (Fig. 2, element 1e).

With respect to claim 10, Ban et al. discloses the replenishment receptacle of Claim 9, wherein said cover has an inner side, facing said orifice, and an outer side, opposite said inner side, said inner side having a cellular urethane foam gasket connected thereto (column 17, lines 4-7), for sealing against flow of the particulate material past said cover, thereby preventing leakage of the particulate material from said container.

With respect to claim 11, Ban et al. discloses the replenishment receptacle of claim 10, wherein said outer side of said cover has at least one ramp-shaped protruding feature (Fig. 11, element 3c) (column 11, lines 60-62), which permits said cover to be inserted into said groove, but prevents said cover from being fully withdrawn from said groove after being inserted into said groove.

With respect to Claim 14, Ban et al. discloses a replenishment receptacle for containing particulate material (Fig. 16), and for facilitating replenishing the particulate material from said replenishment receptacle into a reservoir of an electrostatographic reproduction apparatus, said replenishment receptacle comprising:

A container (Fig. 16, element 12), defining an orifice (column 17, lines 31-34), and capable of being filled with particulate material through said orifice, said orifice having sides protruding from said container, said sides having inner surfaces adjacent to said orifice, and outer surfaces opposite said inner surfaces (Fig. 16), said outer surfaces having at least two protruding features (Fig. 16, element 13 a) for locating said container relative to the reservoir (column 17, lines 11-24) and

A cover (Fig. 16, element 14), operatively connectable to said container, for selectively closing said orifice after said container is filled with particulate material, and opening said orifice after said container is located relative to the reservoir (column 17, lines 11-42).

With respect to claim 15, Ban et al. discloses the replenishment receptacle of claim 14, wherein said inner surfaces of said sides define a groove and said cover slides into said groove (Fig. 2, element 1e).



With respect to claim 16, Ban et al. discloses the replenishment receptacle of claim 15, wherein said cover has an inner side, facing said orifice, and a outer side, opposite said inner side, said inner side having a cellular urethane foam gasket connected thereto (column 17, lines 4-7), for sealing against flow of the particulate material past said cover, thereby preventing leakage of the particulate material from said container.

With respect to claim 17, Ban et al. discloses the replenishment receptacle of claim 16, wherein said outer side of said cover has at least one ramp-shaped protruding feature (Fig. 11, element 3c) (column 11, lines 60-62), which permits said cover to be inserted into said groove, but prevents said cover from being fully withdrawn from said groove after being inserted into said groove.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ban et al. (US 6,014,536).

With respect to claims 6, 12 and 18 Ban et al. discloses the replenishment receptacle of claims 4, 10, and 16 respectively having a foam gasket (column 17, lines 4-7). Ban et al does not disclose the gasket thickness is in the range of 0.1-0.2 inches

thick and has density in the range of 240-480 kilograms per cubic centimeter. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to select PORON trademarked foam for the urethane seal of Ban et al. Note, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, *In re Leshin*, 125 USPQ 416.

Claims 7, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ban et al. (US 6,014,536) as applied to claims 6, 12, and 18 above, and further in view of Ban et al. (US 6,438,345).

With respect to claims 7, 13, and 19, Ban et al. (US 6,014,536) discloses the replenishment receptacle of claims 6, 12, and 18, respectively as set forth in the 35 USC 103 (a) rejections above. However, (US 6,014,536) does not disclose the cellular foam gasket including a laminated polyester film with thickness range 0.001-0.002 inches.

Ban et al. (US 6,438,345) discloses a polyester film with thickness in the range of 0.001-0.002 inches (Section "Precise Positioning Means", column 28, lines 18-23). Ban et al teaches that "in order to improve the sealing performance while reducing, or at least without increasing, the force necessary to drive the shutters, a piece of flexible film 42 as a low friction material is pasted to the sealing member 41" (Section "Seal Member" column 16, lines 62-65).

Ban et al. (US 6,014,536) and Ban et al. (US 6,438,345) are analogous art because they are from the same field of endeavor, namely toner supply containers.

It would have been obvious to a person of ordinary skill in the art to form the toner supply container as disclosed in Ban et al. (US 6,014,536) including a laminated polyester film with thickness 0.001-0.002 inches.

The suggestion or motivation for doing so would have been to acquire a low friction surface for the slide cover to slide open and shut while maintaining the overall required thickness for the entire seal member.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dirx (US 5,710,963) discloses a toner supply container with a closure, slide cover, seal member, flange, and at least one protrusion on the container, with at least one notch defined in the closure.

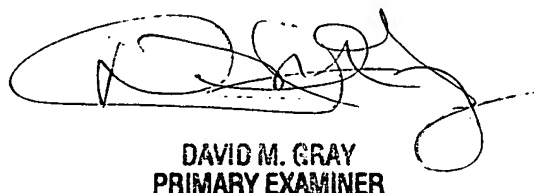
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lauren J. Daniel whose telephone number is (571) 272-8926. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lauren J. Daniel



DAVID M. GRAY  
PRIMARY EXAMINER